

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) Case No: 3:17-cr-00044
)
ANDREW RYAN LESLIE) Chief Judge Crenshaw
)

UNITED STATES' STATEMENT REGARDING 3553(a) FACTORS /
SENTENCING MEMORANDUM

*It must be pre-teen and it must be any material
where the child is performing a sexual act.* –Crazymonk

The purpose of this criminal enterprise could not be clearer—a space and community on the Giftbox Exchange that encouraged the sexual assault of young children. While the purpose of the enterprise was straightforward and simple, the methods of operating it were not. It was highly organized, with a hierarchy of leadership and staff and membership requirements. The defendant and his co-conspirators went to great lengths—using advanced technology—to bury their criminal activity in the Dark Web, thereby enabling them to evade law enforcement. The defendant was an active member of Giftbox and also created Cache of Cheese Pizza—another website similarly dedicated to the exchange of child abuse material. He was part of a network involving tens of thousands of images and videos of children, infants, being brutally sexually abused. For this, the defendant should be sentenced to at least 30 years imprisonment followed by a lifetime of supervised release.

I. The Enterprise



The Giftbox Exchange (Website A) was a website that operated on the Tor anonymity network from July 2015 until it was shut down by law enforcement in November 2016. Because Giftbox was hosted on Tor, the Internet Protocol (IP) address of the website itself—as well as the IP addresses of its members—was masked, such that law enforcement could not use that information to identify the server hosting the website.

Giftbox was dedicated to the sexual exploitation of children. To become a member, a user had to make an application post depicting the sexual abuse of a pre-teen child:

The screenshot shows a forum post in a dark-themed interface. At the top left is a placeholder for a profile picture. Next to it, the username "crazymonk" is displayed in green, followed by a small black dot. Below the username, the title "Administrator" is shown in white. To the right of the username is a five-star rating icon. On the far right, there is a "Thread Modes" section with various statistics: Posts: 1,260, Threads: 107, Joined: Jul 2015, Reputation: 309, Thanks Given: 19, and Thanks Received: 47. Below the header, the timestamp "07-11-2015, 11:40 PM (This post was last modified: 12-19-2015, 11:32 AM by Darkly.)" is visible, along with the post number "#1". The main content of the post is titled "Rules and guidelines" and contains the following text:
I hate writing rules and guidelines - I mean really really hate it. In fact, just writing this sentence makes me want to chew on some glass - and swallow it; and there are better things I could be swallowing in this world - like chocolate. What did you think I was going to say? Anyway, there are a few rules and guidelines and other stuff you need to follow in order to become a member and maintain that membership:
Becoming a member:

- To become a member you will need to create a membership post (a post whereas you upload content to keep an active membership) in the "Applications" thread
- This post must be greater than 20MB in size (before achieving)
- You can upload either pictures or videos, but, it must be pre-teen and it must be any material where the child is performing a sexual act
- The application must meet the posting standards as defined below

The application post had to be posted in the “Applications” thread. The posting standards were specific and required users to include a preview image in their post, to use approved image uploaders to host the files, and to encrypt the images or videos with a password. Giftbox had several other threads that organized the content on the website:

General			
Site Information Information specific to the site Sub Forums: Links, File Hosts	81 531	"Recalling" unread PM's 2 hours ago by crazymonk	
Technology & Security Technology Security, tricks, and how-tos Sub Forums: How-to	118 578	combining multiple file p... 7 hours ago by Liza	
Feedback Anything you want us to know Sub Forums: Ask Us Anything - Confidential	20 77	Simbox Plugin? 9 hours ago by targaryen	
Pedo Chat Whatever you want to talk about Sub Forums: English, Deutsch, Español, and 3 more.	229 1,767	Toy Box 3 hours ago by Quickdraw	
Fun Stuff Jokes, Stories, Funny pictures, and Art Sub Forums: Art / Hentai	65 338	Jazzy's Guides 3 hours ago by HornyPedo4Ass	
VIP			
Private zone Applications Private zone	- -	Never	
VIP Applications Fast track applications Sub Forums: VIP Application Information	- -	VIP Wish List Yesterday, 05:05 AM by Darkly	

There were also specific forums and sub-forums for the different types of child pornography to be posted, including sections for pre-teen hardcore and babies and toddlers:

Girls				
Model/Producer section Section dedicated to running threads for specific models and producers		113	AMS Cherish Sets 221, 227...	
		1,425	1 hour ago by Play	
Pre-teen Hardcore Ages 5 to 12 Sub Forums: Videos, Golden Oldies, Pictures		2,181 8,313	Gabi (9yo) sucks dad on w... 58 minutes ago by Girlfriender	
Pre-teen Softcore Ages 5 to 12 Sub Forums: Non Nude, Videos, Pictures		914 2,468	welcome in joy's only gir... 3 hours ago by TheUndead2	
Teenagers Budding breasts Sub Forums: Photos, Videos		467 1,695	Alice & Silvia – 2 JB Gir... 9 hours ago by lolzed	
Cam For webcams, Spycams & Selfshot videos Sub Forums: Teenage Cams		1,035 3,110	youtube webcam 2 hours ago by jakers	
Fetishes Little girls and fetishes		146 477	panty poop, scat, diaper ... 17 minutes ago by whiteywood	
Babies & Toddlers Ages 0 to 4		304 1,339	MCCL-toddler HD [sc] [n] 32 minutes ago by Wallypop	
Requests Come here to request girl material Sub Forums: Subtitle Requests		396 1,259	Request for video named "... 4 hours ago by bdwpbdwpbdwp	

Giftbox also had VIP and “producer only” zones that were accessible only to a select group of members—generally those who produced original child pornography content to be shared on Giftbox. The child pornography posted on Giftbox within these subforums included videos of babies and toddlers being tied up and sexually abused by adult men.

Giftbox was not just a place for people to trade child pornography. It was a place for people who wanted to sexually abuse children to network. For example, Falte met the father of the 4-year old girl he traveled to Virginia to sexually abuse on Giftbox and then also introduced Faulkner to that individual so he too could sexually abuse the child.

Giftbox had a technologically sophisticated security system to verify the identity of different members, called public key cryptography. The cryptographic system uses pairs of keys

(PGP keys)—one public and one private—to exchange information. The public key is distributed to others, while the private key is securely stored and known only to the account holder. This pair of keys accomplishes two functions: authentication, whereby the public key is used to verify that a holder of the paired private key sent the message; and encryption, whereby only the holder of the paired private key can decrypt the message encrypted with the public key.

Defendant Patrick Falte created Giftbox and went by the username “CrazyMonk” on the site. Falte was also an administrator of the site—he established and disseminated rules for membership. And Falte paid for the server hosting Giftbox using Bitcoin—an encrypted digital currency. Benjamin Faulkner joined Giftbox in September 2015 as “curiousvendetta” and also became an administrator of the site.

Giftbox grew over time into a vast, global criminal enterprise. In a post dated October 8, 2015, Falte discussed the site’s statistics as compared to another child pornography website called Magic Kingdom. He stated that Giftbox had 55,151 members with 1,536 of those being approved. He also noted that he had removed over 75,000 members that had registered in the past. He also bragged that Giftbox “clearly ha[d] more content” than the competitor board, and noted the thousands of threads posted on Giftbox. At the time Giftbox was shut down by law enforcement in November 2016, it had over 72,000 registered users and 56,000 posts.

While the Giftbox Exchange was the central focus of law enforcement’s investigation into the criminal enterprise, it was also part of a landscape of other Tor child pornography sites, many of which had overlapping membership. As noted by Falte in the same post on Giftbox discussing statistics, “after the downfall of . . . the other sites that have been seized or shutdown, . . . [w]e are separate sites, but we are still *a single community serving a common goal.*” (emphasis added). In April 2016, Faulkner—using the name “Warhead” started another website

called “Child’s Play,” also dedicated to the sexual exploitation of children. Members of these sites—including the defendants here—also used an encrypted chat messaging program to talk to each other about Giftbox and Child’s Play and the sexual abuse of children. Together, Falte and Faulkner oversaw the largest network of child exploitation websites on Tor.

Law enforcement has arrested at least 43 members of the Giftbox Exchange, in addition to the defendants charged here. This is only a small fraction of its vast membership—identifying members of the site is hugely challenging because they used the Tor network to mask their IP addresses. Even just within those 43 identified, there were at least ten registered sex offenders or individuals with a prior sex offense, and at least five whose jobs involved working with children. Many of the Giftbox members—at least 9 identified so far—had engaged in the hands-on sexual abuse of children.

II. The Factors to be Considered in Imposing a Sentence Under 18 U.S.C. § 3553(a)

A. The Nature of the Offense, § 3553(a)(1), The Seriousness of the Offense, Promoting Respect for the Law, and Providing Just Punishment, § 3553(a)(2)(A)

The defendant was a member of Giftbox for over a year and made dozens of posts to the site. This included posts of an infant who is bound and being sexually abused by an adult male. The infant appears to be crying. He also posted on Giftbox inquiring about how he should tie up “a little one.”

Stuff to tie with.

Thread Modes



TheAwesomeOne ●

Junior Member



Posts: 44
Threads: 12
Joined: Aug 2015
Reputation: 20
Thanks Given: 0
Thanks Received: 1

8-09-2015, 08:53 PM

#1

I need some advice on what I can tie girls with that won't be rough on their skin or leave marks.

I've never done bondage with a little one before but want to.

Code:

Password: \$#@!!It'sTheAwesomeOne@TPGB! !@#\$

DL Key: tpgb

Favorite Ages: 0-3

The defendant also created a related website called Cache of Cheese Pizza (CCP).¹ As noted in the presentence report, CCP explicitly allowed “hurtcore”—images and videos depicting graphic sexual violence of children. When CCP went offline, Leslie informed the community via a post on Giftbox:

¹ In this community, “cheese pizza” is code for child pornography.

-----BEGIN PGP SIGNED MESSAGE-----

Hash: SHA256

Hello everyone,

Some very unforeseen events have taken place.

I am having to shutdown CCP until these events have been handled.

The security alert that has been on-going was believed not to have been an issue.

However the one behind the reason of the security alert is now the cause of this.

For this I am having to go underground temporarily.

CCP will return but it'll be at least a month before it'll come back online.

Once everything gets handled I will return to the community but will keep CCP off until it can be assured the problem is resolved.

The site will go down within the next 24 hours.

Thanks,

TheAwesomeOne

2016-04-26

Giftbox and Cache of Cheese Pizza catered to the worst child exploitation offenders, including those—like defendant Leslie—who enjoy the sexual exploitation of infants and toddlers and “producers” who actively sexually abuse kids. The disturbing nature of the content hosted on these sites cannot be overstated. This community perpetuated the sexual abuse of thousands of children, whose images and videos were traded on Giftbox and related sites. A just sentence must reflect the vastness of that harm.

B. The Defendant’s History and Characteristics, § 3553(a)(1)

The defendant is young, only 24 years old. He reports having a home life free of abuse and where his basic needs were met. He also holds several certifications related to computers and previously worked as a software engineer.

Most disturbing is defendant’s history of sexually abusing very young children, including at least 5 children between one-month and two years old. The defendant had disturbingly candid communications with co-defendants, reflecting an extreme prurient interest in children, especially babies and toddlers:

July 11, 2016

Faulkner: Could be. One set of parents that caught me [abusing a child/children] did the same
they spoke to me, spoke to the kids. Nothing came of it though.. They said cops next time if they catch me
So I no longer live there anymore lol

Leslie: at least they were nice about it

Faulkner lol were they?

Leslie: they didn't bring the cops lol
I'd say so
They didn't brand you for life

Faulkner: I talked them down a lot though. I worked my magic
Plus they didnt have any evidence, it was all heresay
The girls loved me, apparently faught for them not to talk to me.so they were rock solid.
no evidence otherwise, so I think I would have been fine..but still terrifying for a couple months

Faulkner: And yeah, thats the problem with this one too..she used to ramble, now she is able to make coherant sentances and its kinda scary

Leslie: I grabbed her ass and she told me not to touch her butt
Faulkner: eesh
this one gives me kisses when I ask lol
I dont even have to ask, she goes for them usually
and it melts my heart <3

Leslie: Awwww
I hope this baby will be like that

Faulkner: just groom her lol
Ive never came on a baby before, but my god it sounds pretty great

May 8, 2016

Leslie: So I might have a baby I can play with

Falte: Looks fun though :P
want to play with one and cum on one so badly

Leslie: haha

Falte: Nice! Lucky :P

Leslie: she's less than a week old and her mom told me I can some [sic]
steal her whenever I want

Falte: haha, awesome
sounds like fun

The defendant not only abused children, but he created another part of the community—Cache of Cheese Pizza—dedicated to exchanging child abuse material.

C. Deterrence, § 3553(a)(2)(B), and Protecting the Public, § 3553(a)(2)(C)

Both specific and general deterrence call for significant sentences above the mandatory minimum to send a message that engaging in a criminal enterprise that targets children and causes extensive harm—beyond what an individual could accomplish—will result in a federal prison term that takes one far into old age, if not an effective life sentence.

Specific deterrence is particularly important for this defendant. There is no doubt that he presents a significant risk to children. He is a pedophile who is sexually attracted to infants and toddlers and who has acted on those attractions several times before. He was also active in the Tor child-pornography community. He has committed multiple child-pornography and hands-on offenses, making him more likely to recidivate.²

Leslie is serving a significant sentence of 60 years based on his conviction for producing child pornography in the Middle District of Florida. However, he is young and healthy, and likely to be released from that sentence at some point. The United States anticipates that the defendant will argue that the sixty years he already received are “sufficient, but not greater than necessary” because the sentence would take him into “old age.” But the reality is that even if each defendant were imprisoned long enough that he would be *less likely* to commit sexual assaults on children, scholarly research in this area demonstrates that sexual predators like these defendants will simply change their *modus operandus*:

² United States Sentencing Commission, Report to Congress: Federal Child Pornography Offenses (Dec. 2012), at 170 (“A pedophilic sex offender who has committed both a child –pornography offense and a hands-on sex crime is more likely to commit a future crime, including another hands-on offense, than a defendant who has committed only a child-pornography offense.” (citing *United States v. Garthus*, 652 F.3d 715, 720 (7th Cir. 2011) (Posner, J.))), available at <https://www.ussc.gov/research/congressional-reports/2012-report-congress-federal-child-pornography-offenses>.

Generally, older sex offenders engage in more passive sexual activity as compared to their younger counterparts. For example, fondling by elderly offenders is more prevalent than intercourse. Research has shown that elder offenders are more likely to commit ‘nonviolent’ sexual offenses such as pedophilia or exhibitionism as opposed to ‘violent’ offenses such as forcible rape. Specific examples of these ‘nonviolent’ offenses include improperly touching an acquaintance, statutory rape, exposing of the genitals (usually to a minor), and other acts of exhibitionism.³

Indeed, a simple Google search reveals numerous news reports of older individuals committing sex crimes against children. There are dozens of examples of defendants over the age of 60 who have been sentenced in federal court for the production of child pornography. Gordon Elton Hayes was 60 years old when he produced child pornography of three minor victims in Alabama. *United States v. Hayes*, 4:07-cr-62 (N.D. Al.). Benton Stong was 74 years old at the time he produced child pornography involving 10 to 12 year old victims in Iowa. *United States v. Stong*, 6:13-cr-214 (N.D. Ia.)

There are also plenty of examples of older defendants who re-offended even after serving prison sentences. Jerry Lee Hendricks was 66 years old when he was convicted of producing child pornography of one victim in Illinois after previously being convicted in South Carolina (Chesterfield County and Darlington County) of “Lewd acts on a child under 16” when he was 56 years old. Other examples abound. See *United States v. Hendricks*, 12-CR-20025 (C.D. Ill. June 26, 2014); see also *United States v. McGee*, 10-CR-162, Doc. No. 71 (S.D. Ala. Mar. 3, 2011) (62-year-old defendant sentenced to life for production of child pornography following prior sex conviction); *United States v. Pavulak*, 09-CR-43, Doc. Nos. 1, 120, 121 (D. Del. Oct. 14, 2011) (67-year-old defendant sentenced to life for production of child pornography following prior sex conviction).

³ Matt Hart, *The Geriatric Sex Offender: Senile or Pedophile?*, 32 Law & Psychol. Rev. 153 (2008).

The defendant is already a repeat offender and a diagnosed pedophile. Deterring him from abusing another child and thus protecting the public requires a sentence that effectively imprisons him for life.

The Court must also issue a sentence that will serve as a general deterrent to others involved in the sexual exploitation on the Dark Web. *See United States v. Bistline*, 665 F.3d 758, 767 (6th Cir. 2012) (“general deterrence is crucial in the child pornography context.”) (citing *United States v. Camiscione*, 591 F.3d 823, 834 (6th Cir. 2010)). As is evident from the statistics on Giftbox alone, there are thousands of individuals engaging in this activity. Groups such as these are only becoming more common and the interest in egregious abuse of younger and younger children becoming more pronounced. Thus, the message must be sent loudly and clearly to deter others—you cannot escape punishment by hiding on the Dark Web.

D. Sentencing Guidelines Range, § 3553(a)(4)

The Presentence Report calculates the defendant’s Sentencing Guidelines range to be 262 to 327 months based on an offense level of 38 with a Criminal History Category II. The government agrees with the guidelines calculation, except for the one objection noted in the government’s position regarding presentence report. The government therefore believes the correct guidelines range should be 324 to 405 months based on an offense level of 41 with a Criminal History Category I. The Court must consider this guideline range in determining a sentence. 18 U.S.C. § 3553(a)(4); *United States v. Bistline*, 665 F.3d 758, 764 (6th Cir. 2012) (rejecting the district court’s conclusion that the § 2G2.2 was “seriously flawed” because Congress exercised, rather than delegated to the Sentencing Commission, its power to set policies, and finding instead that the guidelines range was the proper starting point for [defendant]’s sentence). The defendant’s offense is so far beyond the simple downloading of

child pornography that the concerns often raised about the child-pornography guidelines are not present here. By being an active member of Giftbox and creating Cache of Cheese Pizza, the defendant participated in an extensive network of both trading in child pornography and sexually abusing children, and the high guidelines range appropriately reflects that.

E. Avoiding Unwarranted Sentencing Disparity, § 3553(a)(6)

The defendant's offense does not fall within the heartland of standard child-pornography cases. Charges under the child-exploitation-enterprise statute are relatively rare, and the government is not aware of any such cases in the Middle District of Tennessee. However, administrators of Tor sites similar to the Giftbox Exchange and Cache of Cheese Pizza have been convicted and sentenced in other districts. This includes Jason Gmoser, who was sentenced in the Central District of Illinois to life in prison after being convicted of engaging in a child exploitation enterprise. *United States v. Jason T. Gmoser*, Crim. No. 14-cr-20048 (C.D. Ill. July 15, 2016). Gmoser's conduct was remarkably similar to Falte's—he operated a members-only Tor site dedicated to child pornography which had nearly 30,000 members. Brian Musomba Maweu and John Wyss, members of a similar child pornography website also received life sentences for engaging in a child exploitation enterprise. *United States v. Doe #1 et al*, Crim. No. 5:10-cr-319 (W.D. La 2010). Stephen Chase, who was the administrator of the Tor website Playpen, was sentenced to 30 years imprisonment after being convicted of engaging in a child exploitation enterprise. *United States v. Chase et al*, Crim No. 5:18-cr-15 (W.D.N.C. May 1, 2017). A sentence of 30 years for defendant Leslie is within this range and would not result in unwarranted sentencing disparities.

III. Government's Sentencing Recommendation

The government recommend that the Court sentence the defendant to a within-guidelines sentence of a minimum of 30 years in prison to be served consecutively to the defendant's 60-year sentence out of the Middle District of Florida, and to be followed by a lifetime of supervised release. A consecutive sentence of at least 40 years is sufficient but not greater than necessary to comply with the goals enumerated in 18 U.S.C. §3553(a), particularly as regards deterring this particular defendant and protecting the public.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the above styled pleading with the clerk of the court on July 26, 2019, by using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

s/ Lauren E. Britsch
LAUREN E. BRITSCH